

**LAND ACQUISITION IMPLEMENTATION PLAN**  
(Draft)

For Review Only by

Hyundai Motor America  
City of California City  
U.S. Fish and Wildlife Service  
California Department of Fish and Game

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## **I. Introduction**

Hyundai Motor America (Hyundai) is planning to develop an automotive test track in the City of California City, Kern County, California. Hyundai's proposed development site consists of approximately 4,300 acres of private lands, and includes a two-mile extension of a water line by the City of California City (City) to service the project. Hyundai and the City collectively are the Project Proponents. According to the Project Proponents' environmental studies, the site includes populations and habitat of the federal and state -listed, threatened, desert tortoise and the state-listed, threatened, Mohave ground squirrel. As such, Hyundai and the City are submitting to the U.S. Fish and Wildlife Service (USFWS) an application for an incidental take permit, under Section 10(a) of the federal Endangered Species Act, for impacts to the desert tortoise, Hyundai and the City also are submitting to the California Department of Fish and Game (CDFG) a request for concurrence with the Section 10(a) permit for impacts to desert tortoise, pursuant to Section 2080.1 of the California Endangered Species Act (CESA), and an application for an incidental take permit pursuant to Section 2081 of the CESA for impacts to the Mohave ground squirrel

As part of the proposed compensation for incidental take of the listed species, the Project Proponents propose to provide funding to the Desert Tortoise Preserve Committee, Inc. (DTPC), a California not-for-profit corporation, for the DTPC to acquire required off-site compensation habitat for the desert tortoise and Mohave ground squirrel, implement enhancement activities for habitat acquired, and perform long-term management of the acquired habitat in perpetuity for the desert tortoise and Mohave ground squirrel.

This Land Acquisition Implementation Plan addresses the off-site habitat compensation requirements related to incidental take of desert tortoise and Mohave ground squirrel habitat occurring in California. As a condition of project approvals and permits by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), Project Proponents are required, among other duties to:

- Under the proposed Habitat Conservation Plan, USFWS Section 10(a) permit, and CDFG Section 2080.1 concurrence, acquire within twelve months of surface disturbance at the proposed project site a total of 3,228.5 acres of desert tortoise habitat that is also Mohave ground squirrel habitat;
- Under the proposed CDFG Section 2081 permit, acquire within twelve months of surface disturbance (estimated to occur on or about August 2003) any additional acreage required by CDFG for Mohave ground squirrel habitat;

- Provide for enhancement of habitat acquired off-site for the conservation of the desert tortoise and Mohave ground squirrel; and
- Provide for management of habitat acquired off-site in perpetuity for the conservation of the desert tortoise and Mohave ground squirrel, with interest income generated from a non-wasting, long-term endowment fund.

Project Proponents currently are negotiating a Management Agreement with the Desert Tortoise Preserve Committee, Inc. (DTPC) that will outline the scope, nature, and procedures for implementing the off-site habitat compensation requirements of Hyundai and the City under the federal and state incidental take permits.

This Land Acquisition Implementation Plan outlines the DTPC's duties to:

- Identify the process by which the DTPC will acquire and permanently protect acquired habitat;
- Identify viable habitat acquisition areas to benefit the desert tortoise and Mohave ground squirrel; and
- Provide for a feasible schedule of activities, including acquisition and enhancement, to be completed within 12 months from initiation of habitat disturbing activities.

## **II. Land Acquisition Process**

As further illustrated in Section IV of this Plan, the DTPC implements all land acquisition projects through six (6) major activities:

### **1. Project Site Identification and Surveys**

The DTPC identifies habitat within and around existing protected preserve areas. A high priority is given to habitat that are bounded by “defensible” boundaries such as established roads, areas closed to recreational or commercial uses, areas historically un- or under-utilized, and other limited access characteristics. Project sites, as performed for this Land Acquisition Plan, are then further characterized in accordance with current and pending management plans adopted or planned by federal, state, and local government agencies. Site visits to all project sites are performed by the DTPC prior to adoption.

### **2. Direct Contact and Negotiation with Landowners**

The DTPC evaluates title farm reports, tax records, and other public and private databases to establish a contact database of landowners within a given project site. Negotiations with landowners is conducted via email, fax, telephone, and in many cases in-person meetings.

### **3. Due Diligence for Title and Environmental Characteristics of Habitat**

The DTPC examines preliminary title reports to evaluate the existence and impact of any recorded liens, encumbrances, easements, covenants, contingent liabilities, environmental contamination indicators, and other “clouds-on-title”. These due diligence actions are performed prior to formal submission of subject property to the USFWS and CDFG for approval. In the event that title defects are found and are deemed to be remediable during the escrow process, the DTPC will then communicate its findings and recommendations to USFWS and CDFG and request approval contingent on clearing title defects. Whether or not the preliminary title report indicates possible contamination, the DTPC contracts with an environmental consultant to perform a site survey and hazardous materials assessment. The DTPC follows and complies with the BLM “Phase I” Hazmat certification process.

### **4. Escrow and Transfer of Conservation Easement to State of California**

Once the DTPC obtains approval as to habitat suitability from federal and state government agencies, the DTPC enters into a Purchase Agreement and typically a 90 day escrow. The escrow agent utilized is typically First American Title Company or like company. Within the escrow process, title defects are cured,

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final title reports are approved, title insurance is purchased, and finally a Conservation Easement Deed in favor of the State of California is simultaneously recorded with the concurrence of the California Department of Fish and Game.

## **5. Short- and Long- Term Management Guidelines and Actions**

The DTPC complies with and implements actions required or recommended under both federal and state laws, including but not limited to, the USFWS Desert Tortoise (Mojave population) Recovery Plan (1994), The Sikes Act Management Plan for the DTRNA (1988), and Recommendations for Management of the Desert Tortoise in the California Desert (1988). The DTPC's two (2) types of management actions are further defined as:

**Short-term Enhancement.** Any actions that can have an immediate effect on the compensation habitat and that can be initiated and concluded within nine (9) months of acquisition of the habitat. Such actions do not require any funds over and above that allocated for short-term enhancement activities under the Agreement. All funds designated for these purposes are expected to be disbursed to the DTPC within nine (9) months of the land acquisition.

**Long Term Management.** Any actions that require continuous management actions and/or resource investments to achieve results that positively affect the long-term recovery of the species. All funds designated for these purposes are expected to be managed as an endowment account whereby the principal of the account is not expended -- and if possible increased through residual interest income -- and parts of the interest income is used for management in perpetuity.

## **6. Periodic Reporting to Agency Partners**

The DTPC issues reports on all actions every two (2) months or more frequently upon request for the first 15 months. Reports include a narrative description of contacts made with willing-sellers as well as contact logs evidencing the data nature of communications. All survey, title, and other acquisition documentation are included as reference attachments. At the conclusion of each project, the DTPC prepares a final project binder containing a comprehensive report on duties undertaken, actions performed, and results accomplished.

### **III. PROPOSED ACQUISITION AREA No. 1- Desert Tortoise Research & Natural Area (DTRNA) and Buffer Zone**

The Desert Tortoise Research & Natural Area (DTRNA) is located in southeastern Kern County, California and was designated by Congress as an Area of Critical Environmental Concern (ACEC). Since 1974, the DTPC, in conjunction with The Nature Conservancy, the Bureau of Land Management (BLM) and the California Department of Fish and Game (CDFG), has focused on acquiring fourteen (14) square miles of private inholdings among the 39.5 square mile preserve established by Congress. Currently, less than two (2) square miles of habitat within the DTRNA is held by private ownership. In 1987, the DTPC received guidance from Ed Hastey, the then Director of the California State Office of the BLM, to commence habitat acquisition and management activities in "buffer zone" areas outside of the DTRNA boundaries located in the southeast and eastern areas of the DTRNA. Subsequent coordination with BLM resulted in increasing acquisition priorities at the northwestern and northern expansion areas. Collectively, the acquisition map illustrating the DTPC's priorities for habitat acquisition is commonly referred to as the DTRNA Buffer Zone.

To date, the DTPC has acquired 1,501.16 acres of habitat within the DTRNA Buffer Zone. From 1987 to 2000, the DTPC acquired 652.14 acres of habitat in the DTRNA Buffer Zone. The DTPC initiated its expansion efforts with a 288 acre charitable gift from the Weingart Foundation in 1992. Thereafter, the DTPC was awarded a \$400,000 grant under the Environmental Enhancement and Mitigation Fund (EEM Grant) administered by the California Transportation Commission with which DTPC acquired an additional 364.14 acres of habitat within the DTRNA Buffer Zone. From 2001 to present, the DTPC acquired an additional 849.02 acres of habitat to satisfy the off-site replacement habitat requirements of High Desert Power Project, LLC, Victorville-Gas LLC, Southern California Gas Company, and Kern River Gas Transmission Company.

Currently there exists approximately 10,000 acres of habitat within the DTRNA Buffer Zone to be acquired. Within the DTRNA Buffer Zone, DTPC's acquisition priorities are as follows:

**Priority 1 Acquisition Targets** include Section 7 at the northwestern corner of the DTRNA, the northern half of Section 34 at the northern boundary of the DTRNA, habitat located south of the DTRNA between the DTRNA perimeter fencing and the Mojave-Randsburg Road within Sections 25 and 35, and the boundary parcels abutting the northern boundary of the Mohave-Randsburg Road in Sections 19, 20, 16, 10, 11, and 1. Acquisition of Priority 1 habitat will permit extension of the existing DTRNA perimeter fencing and minimization of unauthorized trespass into the DTRNA currently generated by vehicular access from Munsey Road and Neuralia Road.

**Priority 2 Acquisition Targets** are focused on a 1 mile buffer area abutting the eastern perimeter fence of the DTRNA consisting of Sections 6, 17, 18, and 19. Acquisition of Priority 2 habitat will permit extension of the existing DTRNA perimeter fencing, intensive management of vehicular traffic on Bucknell Road, and minimization of unauthorized trespass into the DTRNA, currently generated by Off Highway Vehicle users of Park "C".

**Priority 3 Acquisition Targets** are focused on all interior parcels between the existing eastern perimeter fencing of the DTRNA and the Mohave-Randsburg Road consisting of portions of Sections 5, 4, 3, 2, 8, and 9.

### **Resource Management Plan**

**Short Term Enhancement Options.** The DTPC, with the concurrence of the USFWS, CDFG and Project Proponents, will dedicate short-term enhancement funds for the following activities:

- Emergency measures to control unleashed dogs and dog packs. Desert Tortoise (Mojave population) Recovery Plan (1994), Appendix F, p. F29.
- Establish long-term public education program at the DTRNA and at the City of California City to educate the City's population and visitors about the human related impacts that negatively affect the DTRNA and measures which can be taken by individuals to minimize or avoid such impacts. The Sikes Act Management Plan for the DTRNA (1988)
- Install perimeter fencing along Mohave-Randsburg Road and Munsey Road upon acquisition of parcels abutting each roadway. Desert Tortoise (Mojave population) Recovery Plan (1994)
- Remove trash, debris, and invasive weeds from habitat acquired to reduce risks of contamination and increased incidence or risk of wildfires and habitat degradation. The Sikes Act Management Plan for the DTRNA (1988)

**Long Term Management Options.** The DTPC, with the concurrence of the USFWS, CDFG and Project Proponents, will dedicate interest income from long-term endowment funds for the following activities:

- Semi-wild breeding program to rebuild and restore the population. Desert Tortoise (Mojave population) Recovery Plan (1994), Appendix F, p. F29.
- Reduce populations of the common raven to reduce predation on small desert tortoises. Ibid, p. F30.



- Translocation of desert tortoises from adjacent lands in the City of California City area as a controlled experiment to increase density and replenish breeding stock. Ibid.
- Fund research focused on the DTRNA and adjacent Fremont-Kramer Desert Wildlife Management Area and Critical Habitat including issues of desert tortoise diseases, general health and nutrition, predation, habitat restoration, efficacy of barrier fencing and culverts, and other research recommended in the Recovery Plan. Ibid.
- Establish shooting closure throughout the Fremont-Kramer area during the tortoise activity season. Recommendations for the Management of the Desert Tortoise in the California Desert (1988), Recommendation 16, p. 34.
- Fund and manage continued research on population characteristics and conservation requirements of the Mohave ground squirrel. Memorandum of Understanding between DTPC and California Energy Commission (2000)

#### IV. Schedule for Completion

| Time / Activity                                    | 6/03 | 7/03 | 8/03 | 9/03 | 10/03 through 7/04 |   |   |   |   | 8/04 |
|--|------|------|------|------|--------------------|---|---|---|---|------|
| Prepare Land Acquisition Plan                      | x    |      |      |      |                    |   |   |   |   |      |
| Obtain approval for Land Acquisition Plan          | x    | x    |      |      |                    |   |   |   |   |      |
| Conduct Site Visits                                | x    | x    |      |      |                    |   |   |   |   |      |
| Compile Landowner Database                         |      | x    |      |      |                    |   |   |   |   |      |
| Contact/negotiate with Landowners                  |      | x    | x    | x    | x                  | x | x | x | x |      |
| Evaluate title reports                             |      |      | x    | x    | x                  | x | x | x | x |      |
| Conduct Phase I environmental survey               |      |      | x    | x    | x                  | x | x | x | x |      |
| Obtain approval to acquire                         |      |      | x    | x    | x                  | x | x | x | x |      |
| Execute Purchase Agreements & Escrow               |      |      | x    | x    | x                  | x | x | x | x |      |
| Finalize Escrow & Transfer Easement to State of CA |      |      |      |      | x                  | x | x | x | x | X    |
| Initiate short-term enhancement                    |      |      |      |      | x                  | x | x | x | x | X    |
| Schedule long-term management actions              |      |      |      |      | x                  | x | x | x | x | X    |
| Issue Project Report                               |      |      |      | x    | x                  | x | x | x | x | X    |

## **V. Acquisition Maps**